



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS,
TRIBAL AND PUBLIC
AFFAIRS

September 29, 2014

Richard Turner
Project Manager
US Army Corps of Engineers
Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362

Re: The Environmental Protection Agency's comments on the Lower Snake River Programmatic Sediment Management Plan Final EIS. EPA Project Number 05-055-COE.

Dear Mr. Turner:

The EPA has reviewed the final EIS for the Lower Snake River PSMP encompassing the states of Idaho, Oregon, and Washington. Our comments are provided in accordance with our responsibilities and authorities under Section 309 of the Clean Air Act and the National Environmental Policy Act.

The purpose of the programmatic plan is to evaluate a long-term sediment management strategy for the Lower Snake River by employing a comprehensive watershed approach. The project area covers more than 32,000 square miles and includes the Snake River from the confluence with the Columbia River to the upstream limits of the Lower Granite Reservoir. The Final EIS evaluates a no action alternative (continued monitoring) and two action alternatives- Alternative 5 (dredging based management) and Alternative 7 (full system and sediment management measures). The action alternatives also include a specific proposal to dredge in 2014/2015. The Final EIS identifies Alternative 7 as the Corps' preferred alternative.

The EPA continues to support a watershed scale management of sediment sources affecting the Lower Snake River Basin. Throughout plan development, we have had numerous conversations and meetings with the Corps, exploring options for analysis, methodology and strategies for basin-wide sediment management. We commend the Corps for devoting significant time to resolving issues raised in our draft EIS comments. We believe that our objection to the draft EIS will be resolved with the Corps' commitment to engage with stakeholders in a technical forum on an ongoing basis. The purpose of the technical forum, either through the Local Sediment Management Group or other potential stakeholder group, would be to share sediment monitoring data throughout the watershed, collaborate on comprehensive planning for any future dredging/disposal needs, and discuss potential opportunities to reduce sediment loads near the sources.

While we are extremely pleased with the Corps' commitment to coordinate with stakeholders for long-term planning, we have identified some issues that we believe could be addressed either through the ongoing collaboration or by refining the Sediment Management Plan. Our recommendations include

providing clarifying information regarding adaptive management, monitoring, the preferred alternative, and the CWA § 404 process. Our detailed comments are attached.

We appreciate the Corps' coordination and consideration of our comments on the final EIS. Please feel free to contact me at 206-553-1601 or Lynne Hood of my staff at 208-378-5757 or via email at hood.lynne@epa.gov for any questions.

Sincerely,

A handwritten signature in blue ink, reading "Christine B. Reichgott". The signature is fluid and cursive, with the first name "Christine" and last name "Reichgott" clearly legible.

Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosure:

1. Detailed Comments on the Lower Snake River Programmatic Sediment Management Plan Final Environmental Impact Statement

**Detailed Comments on the
Lower Snake River Programmatic Sediment Management Plan
Final Environmental Impact Statement**

The final EIS includes the Corps' Programmatic Sediment Management Plan (hereafter referred to as the Plan) in Appendix A. This document is the key component to specifically direct management decisions and for plan implementation. For this reason, the majority of our comments focus on the Plan.

We strongly support the Corps' statement that coordination and information sharing with other land management agencies and groups within the watershed is an integral part of long-term planning and the adaptive management approach. We acknowledge that this commitment is reflected in the Plan as well as the Corps' intention to continue leading the Lower Snake Management Group and explore opportunities for other regional coordination. To demonstrate this commitment, the Corps will provide staff expertise for participation under the Regional Sediment Management Program. This pledge is the cornerstone of the EPA's long-standing support for a holistic watershed management approach. We are also pleased that the Corps will work with stakeholders to update the LSMG charter to reflect its ongoing role. We believe this follow-up engagement is crucial for meaningful and successful participation.

Adaptive Management

In our comments on the draft EIS we raised a concern regarding the lack of detail on adaptive management planning. The Plan includes a discussion of adaptive management that we believe captures key steps in the process. The Plan would be even more effective by providing clear direction on how sediment management adjustments will be made as additional monitoring data come in.

The adaptive management plan should be detailed enough so that practitioners can make decisions regarding which activities should be implemented, which ones should be modified, and when further analysis is warranted. Inherent in the decision-making process would be an understanding of the uncertainties in the data and analyses.

The Plan states that future forecast actions would be analyzed through a tiered NEPA analysis. However, there is a lack of specificity regarding components (e.g., action/measure, responsible entity, relevant program/statute, documentation, and method for updating the plan). The draft Plan included an attached table, "Implementation Process Summary," with specific details such as: Implementation Step, Activities/Outcome, and Documentation. However, this level of detail was removed from the final EIS. As currently presented, we believe that the adaptive management plan does not clearly outline key steps in a concise and easily accessible format. We encourage the Corps to refine the adaptive management plan to address the need for additional detail regarding management direction.

Monitoring

The Plan outlines monitoring measures (Section 3.2) that are limited to the navigation channel. We continue to believe that monitoring information gathered by agencies and groups throughout the watershed has relevance for managing sediment in the navigation channel. Although the Plan acknowledges the need to be proactive rather than reactive, the monitoring as described does not appear to provide support for proactivity. We recommend that the monitoring section of the Plan clearly include the intention to use available, upland monitoring information as part of the data bank considered in adaptive management.

The final EIS concludes that upland management activities would not measurably alter sediment management in the channel. As discussed in our comments on the draft EIS, we continue to disagree with this assertion. For example, we believe that restoring or decommissioning problem roads could be a relevant measure for cumulative sediment reduction. To illustrate, recent storm events in August, 2014 resulted in road washouts that delivered high volumes of sediment and increased turbidity to ten times the normal range in Idaho streams. We agree that fire can result in mass wasting, generating large sediment flows. Preventive management measures could be implemented in fire prone areas to reduce the risk of mass wasting (e.g., road siting and design, culvert replacement, or vegetation management). Additionally, we believe that the Corps should continue to solicit information on sediment monitoring data, which could aid in further understanding the sediment budget (e.g., presently, unknown sources are between 21% and 33%). We believe this issue can be addressed as described by the Corps' commitment to engage in data sharing with stakeholders throughout the watershed and by considering potential implications of upland activities.

The draft Plan included a section on monitoring validation and evaluation. This section provided information such as status and trend monitoring, review of screening criteria used in selecting measures, and review period for project specific monitoring results. In addition, the draft Plan included a six step monitoring program that outlined key steps. These sections were removed from the final Plan. We recommend that the Plan include these sections or a similar level of information describing monitoring validation and specifics of the monitoring program (question of interest, media to be sampled, parameter, responsible party, and reporting/analysis plan) to provide a clear understanding of the program.

Preferred Alternative

The preferred alternative (Alternative 7) allows the Corps to use a comprehensive management approach. We support a comprehensive approach. In our comments on the draft EIS we expressed concern regarding the prioritization of in-stream measures. We stated that there is a potential for significant environmental degradation to the Snake River habitat from the preferred alternative that could be addressed by project modification such as strategically prioritizing actions based on a more regional sediment management approach. We emphasized the need to consider sediment data from sources throughout the watershed. To address this issue, the Corps has committed to sharing and considering data from other sources in long-term management and continuing to engage with stakeholders through the LSMG or other forums. However, the preferred alternative described in the final EIS (Section 2.2.5.7 and Table 2-4) eliminated these important aspects as part of the available measures. After discussing this issue with the Corps, we understand that this was an oversight and the actual Plan described in Appendix A does feature these components. To reconcile this issue, we recommend that the Record of Decision include the activities described in Appendix A, (Sections 1.7 and 4.2) and the Corps' dedication to the principles of Regional Sediment Management.

Another aspect of the preferred alternative is the potential for upland or in-stream disposal of dredged material in the future. The final EIS states that future actions would be addressed in tiered NEPA analyses. We continue to encourage the Corps to consider future disposal needs/locations so that a suite of options may be identified for comprehensive planning. We also encourage the Corps to prepare for any sediment quality testing so that the testing protocols can be better aligned with subsequent NEPA analyses. This will provide greater assurance of a proactive approach to sediment management.

CWA Section 404

The EPA believes that sediment should be managed as a resource in the river system, working with natural transport processes wherever possible, ultimately moving toward environmentally protective and ecologically sustainable sediment management in the Snake River watershed. To support this approach, the Corps is proposing in-stream disposal of dredged material for the purpose of creating shallow water habitat. NOAA concurred with this design. We support beneficial use of sediment. However, we have questions regarding the applicable regulations and permitting processes, particularly related to future disposal needs.

The Plan states that dredged material may be disposed of in-water or upland, or may be beneficially used for other purposes, such as habitat creation. The disposal method is ultimately identified through evaluation of disposal alternatives under the substantive provisions of CWA Section 404(b)(1), guidelines established by the EPA and Corps regulations. The final EIS states that the federal standard for disposal of dredged material is defined as "The least costly alternatives consistent with sound engineering practices and meeting the environmental standards established by the 404(b)(1) evaluation process. . . . (33 CFR 335.7)". The document states that when in-water disposal is proposed, the Corps is required to utilize lowest cost and the least environmentally damaging, practicable alternative (LEDPA) as the disposal method.

The EPA agrees that compliance with 404(b)(1) guidelines and identification of the LEDPA is applicable for placement of fill material in waters of the U.S.; however, we are unclear how compliance with the Guidelines is compatible with a requirement to use the lowest cost method. Lowest cost is not an essential component of the 404 evaluation when determining the LEDPA. As currently written, these two processes appear contradictory. We recommend that the Record of Decision clearly disclose which statutes apply and provide information on the process for evaluating disposal methods. If, for example, Section 10 of the Rivers and Harbors Act (e.g., appropriate for dredging and beach nourishment) applies and directs the agency to select the lowest cost method, the document should clearly disclose how the various statutes are applied. This will be useful for future projects and public notices.

Other

Appendix A, Section 3.3.2, Page A-22. This section refers to Section 3.2.3 for a description of actions that may be implemented in response to triggers. The document does not include a Section 3.2.3. We believe the correct section should have been 3.3.3. To further clarify, we recommend that the Corps develop a table defining triggers, action, responsible entity, and any follow-up measure.

Appendix A, Section 3.3.4.2, footnote 7. The text states that minor actions may be covered under a categorical exclusion referencing footnote 7. The footnote refers the reader to footnote 1, Section 1.5. However, there is no footnote in Section 1.5 and footnote 1 is present in Section 1.2, which relates to the supplement to NOAA's biological opinion. We are unclear what referenced information was intended to be included regarding CATEX.